G R S App F IX 4]

Previous References

1941 -

(ML)

File No 111-41

Serial Nos 137 114

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 1750

✓

Part B for August 42

SUBJECT

Bye- laws for regulating Dangerous and Offensive trades in the Municipality Town limits

To,

The D C Mandya

The Dist J P H

L 1743-4 dt 18 8 42

Sanctions the — with certain observations

his 4 8 42

Bye-laws for regulating Dangerous and offensive trades in the Mandya (1) Town Municipality

General and Revenue Secretariat

ML File No 111 7102/L of 1941 [App F III—2

Serial No

Extract of letter no A S 2135/41-42 dated 1-4-42 from the Deputy Comr, Mandya to ML requesting sanction, among others, to the bye-laws for regulating Dangerous and offensive trades framed by the Mandya Town Mn Cl

These bye-laws are framed under Section 68 (1) of the Mysore Town Municipalities Act, 1933

The required formalities have been observed

Action is being taken separately in respect of the other bye-laws referred to in the P U P

This may be sent to the Director of public health for favour of opinion as to whether the bye-laws are suitable and may be sanctioned

WO 44/5 0722-5-42

Kmn 20/5/42

Forwarded with compliments to the Director of Public Health for favour of opinion as to whether the draft bylaws in question are suitable

B. O

Secy to Govt

Law Dept

NOTE—Contn Sheet

WD 04155—GPB—55 000—93 10 41

File No Qu o Fele no 908-2 Enclosure 5 6 42 of 194

General and Revenue Secretariat

Serial No

Retransmitted with compliments

The bye-laws may be passed with the following additions and alterations

1 The trades mentioned in Sub-clause(b) should be numbered seriatum as marked on the d r a f t

II After clause 8, clause 9 should read as follows -

X 9. (1) In the case of offensive trades as defined in sub-clause (b) (1) (2) (3) (4) (8) (9) and (10), they shall not be carried on in any locality, which is less than 2 furlongs distant from a cluster of 25 habitations or less than half a mile distant from a group of 50-dwelling-houses, and the premises shall not have less than 35 per cent window area as compared with the total floor-space of storing and working rooms

(2) Every manager shall confirm his trade to be carried on strictly in the place shown in the license.

(3) He shall store or convey all offensive and noxious material in proper airtight receptacles provided with effective and airtight lids

SECY [illegible] DEPT 5003 GOVT OF MYSORE

464 plus 710

(4) He shall adopt the best practicable means of rendering innocuous all vapours emitted during the process of the trade either by proper ventilation or ~~offer~~ other suitable means, the manner in which and the place to which all refuse matter may be transported being determined by the President.

(5) He shall keep the floor of the premises in good order and repair, so as to prevent absorption of any liquid, filth or refuse

(6) He shall provide the premises with proper drains and shall always keep them in good working order

(7) He shall cause the premises to be cleaned at the close of every working day

III The present clause 9 and the succeeding clauses should be renumbered as 10, 11, 12 and so on

DIRECTOR OF PUBLIC HEALTH

D P

Draft for incorporating the above bye-laws may be put up

Draft bye-laws is put up accordingly

The suggestions made by the Director of Public Health be incorporated

Law Secy

GS 9/7

Law Secy 9/7

Dy Secy, Govt

Are they in order?

Law Secy

They are in order

GS 9/7

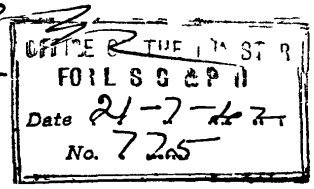
SECY LAW DEPT 392 10 JUL 1942 GOVT CASE
SECY LAW DEPT 786 21 JULY 1942 GOVT

2102
f 1

May be approved

Mins Rec'd S G

CWS
22-7-42



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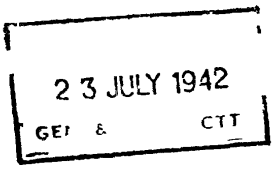
23-7-42



To,

The D e Municipality

The Dne of P H

L 1743—4 d 4-8-8-42

B ✓ Sanctions the bye-laws with certain
Ma 13/8 SS ✓ modifications

Letter No.A5.2135/41-42 dated 1st April 1942, from the Deputy Commissioner, Mandya District, to the Secretary to Government, Development Department, Bangalore.

Subject - Bye-laws framed by Mandya Town Municipal Council.

I have the honour to state that the Mandya Municipal Council propose to introduce the marginally noted Bye-laws into the municipality A notification inviting objections if any, to the introduction of the Bye-laws has been duly publisi ed on 19-10-41. As no objection were received, the subject was placed before the Council at their meeting held on 30th Nonember 1941 and a resolution to the effect that sanction of Government may kindly be obtained to the Bye-laws has been recorded.

I request you, in the circum tances, kindly obtain sanction of Government for the above bye-laws as proposed by the Council.

A copy of each of the bye-laws together with a copy of the resolution and the published notification are herein enclosed for kind perusal.

1. Bye-laws for regulating Dangerous and offensive trades.
2. Information regarding vehicles
3. Bye-laws for regulating sale of tobacco
4. Vehicle - Bye-laws.

"Copy"

V.M.P.4.

The following draft Bye-laws framed by the Mandya Town Municipality under Sec 48(1) of the Mysore Municipal Act 1933 for regulating Dangerous & Offensive trades within the limits of the Municipality

----------o----------

These Bye-laws are called the " DANGEROUS AND OFFENSIVE TRADES " Bye-laws of the Mandya Town Municipality

In these Bye-laws, unless there is something repugnant in the subject or context

(a) "Dangerous Trades" means the business of storing for sale - Firewood, Hay, Straw, or any dried fodder for cattle, coal or charcoal, kerosene oil in godowns, petroleum in tanks, gunpowder, blasting materials, fire-works, including patakees, etc bamboos, rafters, reapers, scantlings, stone-blasting, calcium carbide in bulk, and cotton

(b) "Offensive trades" means the business of -

Typ set please - These should be numbered in serial order as marked here

(1) Boiling or storing offal, blood bones or rags (2) storing hides, horns and skins, (3) tanning, (4) dyeing, (5) washing or dyeing of wool cotton or other article, (6) making or manufacturing bricks, (7) making or manufacturing of tiles, pottery or other earthenware or lime, (8) manufacture of oil by boiling, (9) camphor boiling, (10) soap making, (11) storing grains for trade purposes, (12) using any place as a Rice, Oil flour or other Mill wherein steam, water or other mechanical power or electricity is used to work the same, or as a factory, as defined in the Mysore Factories Act, or any other manufactory or place of business of any other kind, from which offensive or unwholesome smoke, smell, fumes, or soot or dust arises, or which may involve risk of fire, or is likely by reason of such use and of its situation, to become a nuisance to the neighbourhood, or is so used or so situated as to be likely to be dangerous to life, health, safety or property

(c) "Manager" means the person under whose authority or control or for whose benefit a dangerous or offensive trade is

carried on whether such person is the proprietor of the business, or the agent in charge thereof It includes a partner-proprietor also

2 The Manager of every place used for the purpose of a dangerous or offensive trade as defined above, shall not use it as such without obtaining a license from the President of the Municipal Council, after paying the License fees prescribed therefor The License so granted shall be current for only one year, i e , from 1st July to the 30th June The License shall be subject to renewal every year on payment of the fees prescribed in ~~Rule 2~~ bylaw 3 Provided that, where renewal is applied for, the license shall, whether the application is eventually granted or refused, be deemed to be in force till the date of disposal of the application for renewal

The application for renewal shall be presented to the Municipal Office, along with the previous license and the license fees, one month before the expiry of the official year for which the previous license had been granted

The licenses referred to above, shall be granted only after personal inspection by the President or other Officer authorised by him of the premises in which such dangerous or offensive trade is proposed to be carried on or continued Provided always that the President may, on the ground of public safety or convenience or for any other reason, refuse to grant such license to carry on any such trade in any particular place

Note - All applications for licenses and renewals will ordinarily be disposed of within a month from the date of their receipt

No person who has not obtained a license under these Rules, or got them renewed as above, shall carry on such trade

3 The fees leviable on licenses to carry on the dangerous or offensive trades as defined above, shall be as follows, and they shall be paid in advance in each year

(a) Dangerous trades - For each class of business, Rs 5/- per annum

(b) offensive trades. —

(i) For each class of business or each kiln or furnace of bricks, pottery, tiles, camphor-boiling, oil-boiling, etc , Rs 5/- per annum N B In the case of hand-made bricks, the licensed fees shall be Rs 5/- for a kiln of 1,00000 bricks or a fraction thereof

(ii) For each Rice Mill or factory, Rs 30/- per annum

(iii) For every dying Factory 30/- per annum

(iv) For storing grains for trade purposes Rs 20/- & 10/-

(v) For each Flour Mill Rs 15/- per annum

(vi) Storing firewood and charcoal, Rs 2/- per annum

Note - These fees have no relation to the tax payable by any person in charge of any shop for carrying on any trade or profession within the limits of this Municipality, under Section 61 (xi) or (xii) of the Municipal Towns Act 1933

4 No such license shall be granted unless the place intended for the purpose is suitable for the trade to be carried on there without the likelihood of causing any danger or nuisance to the person or persons residing in or resorting to the neighbourhood Every license granted prior to these bylaws coming into force shall be deemed to have been granted under these bylaws

5 The President or any other officer authorised by him in this behalf, may enter into or upon any place or building in which any dangerous or offensive trade is carried on for the purpose of making any enquiry or inspection at all reasonable hours, regard being had to the social and religious usages of the occupants of the premises in case such premises are used as dwelling houses also, The Manager or other person in charge of the place where such trades are carried on is bound to afford every facility for such entry and inspection

6 The Manager shall be bound to furnish the President or other officer authorised by him whenever called upon to do so, such statistics showing the quantity of goods received, stored, manufactured, sold or exported by him

7 Licensees should note that licenses are never transferable, and that the principal is responsible for the acts and omissions of his servants or agents

8 Special conditions attached to the licenses for dangerous trades -

(a) Every manager shall so store his goods as to admit of free agress and ingress for the disposal or removal of the goods

(b) He shall not cause or suffer any cover made of combustible or inflammable material to be erected or placed over or adjoining any such goods

(c) He shall, at all times, keep the premises clean and dry to the satisfaction of the Municipal Authorities

(d) He shall store offensive and noxious materials in proper air-tight reeptacles privided with effective, and tight lids

(e) He shall not allow any smoking or the introduction of fire or open light into the premises and he shall always store sufficient quantity of water and sand to quench fire, if any should break out, in places where goods referred to in para 1 (a) stored

(f) He shall carry on his trade in such a way as not to make his premises a source of danger or nuisance to the persons residing in or resorting to the neighbourhood

Conditions

The Licensee shall be inforce for a period of one year It shall expire on the 30th June of the year for which it was granted But the currency of a licence may be renewed previous to its expiration and on payment of a second fee provided always that where a renewal is applied for as aforsaid, the period of its currency shall whether the application is eventually granted or refused be deemed to include the interval during which the application was pending disposal

2 This licence is not transferable

3 The Licensee shall Strictly obey all rules & bylaws of the Municipality in this behalf

4 Any breach of the rules or bylaws of the Municipality in this behalf will entail Suspension or withdrawal of the licence and the prosecution of the Offender under the Town Municipal Act 1933

(to be typed below the licence form)

(g) He shall comply with any requisition contained in a notice issued by the President or other officer authorised by him in this behalf, for the total or partial removal x from the premises of the aforesaid goods, or the removal of any other combustible materials not intended for sale, or for rectifying any error or omission in attending to any of the above provisions

Typed cl | For 9 — please see flg Pages) Numbered and type clause 9 which is marked with red ink

10 The President, either on his motion or on compliant, shall have power to suspend or withdraw any license granted under these Rules, whenever he deems it necessary in the interests of the convenience and safety of the public generally, or of the persons inhabiting or resorting to the neighbourhood, ~~of~~ the license conditions are disobeyed

11 If it be shown to the satisfaction of the President that the building or place used for carrying on any dangerous of offensive trade is, or is likely by reasons of its situation to become a nuisance to the neighbourhood or is so used or situated as to be likely to be dangerous to life, health, safety or property, the President shall at once issue a notice to the person offending against these ~~Rules~~ bylaws, to desist from carrying on such trade in such premises, forthwith, or to use such premises only after effecting such alterations as may be necessary

12. Any person contravening these ~~Rules~~ bylaws shall on conviction before a Magistrate, be liable to a fine which may extend to Rs 200/- and to a further fine which may extend to Rs 40/- for every day on which such use or premission to use is continued after the date of the first conviction, in addition to the forfeiture of the license

13 The licenses granted under these ~~Rules~~ bylaws shall be in the following form -

13) The licenses granted under these ~~Rules~~ bylaws shall be in the following form -

MANDYA TOWN MUNICIPALITY

License to carry on Dangerous or Offensive Trades

License No Date 19

Fees Paid - Rs

Granted under the provisions of the Bye-laws under Sections of the Mysore ~~Municipal Regulation~~ Town Municipalities Act, subject to the conditions specified be-low, to

MR

for (purpose)

At(premises) Door No Street

Etc , for the year ending 30th June19

President,

Town Municipal Council,

Mandya

C O N D I T I O N S

1 The license shall be inforce for a period of one year It shall expire on the 30th June of the year for which it was granted But the currency of a license may be renewed previous to its expiration and on payment for a second fee provided always that where a renewal is applied for as aforesaid, the period of its currency shall, whether the application is eventually granted or refused , be deemed to include the interval during which the application was pending disposal

2 This license is not transferable

3 The licensee shall strictly obey all rules and Byelaws of the Municipality in this behalf

4 Any breach of the rules or Byelaws of the Municipality in this behalf will entail suspension or withdrawl of the license and the prosecution of the offender under the provisions of the Town Municipal Act 1933

G R S App F VI—G 2]

SUBJECT

Re

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193* .

Date of issue 8/8/42 193

Signed by

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

Section

File No 111-41

Serial No 64

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Letter No A 52135/41-42 dt 14 42 from the Dc Manalore Dist requesting sanction, among others, to the bye-laws framed by the Manalore Town Mal el under sec 48(1) of the Mysore Town Municipalities Act, 1933, and 158 Order thereon—No for regulating Dangerous and offensive trade, within the limits of the Manalore Town

Tally

2) No O Note No 908-2 dt 5 6 42 ~~445 dt 22 5 42~~ from the Dne of P H in Mysore, on the subject

P T O

8/8/42

Order No. 1743-4 D/

Sanctioned — as approved

the Bye-Laws [illegible] with [illegible]

[illegible]

[illegible]

Law Asstt.

To,

The D [illegible] with a copy of Bye-Laws

The Dir. of Public Health ✓ D

[illegible]

Secy to the Prov. Govt.

List of Enclosure

Copied by

Examined by

WDO 9—GPL—1 XX—12-8-34

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Letter No A5-2136/41-42 dated 1st April 1942 from the Deputy Commissioner, Mandya District, requesting sanction, among others, to the bye-laws framed by the Mandya Town Municipal Council under sections 48 (1) and 188 of the Mysore Town Municipalities Act, 1933, for regulating Dangerous and Offensive trades within the limits of the Mandya Town Municipality

2 Un-official Note No 908-2 dated 5th June 1942 from the Director of Public Health in Mysore, on the subject

Order No L 1743-4/Mnl 111-21-114

Dated, Bangalore, the 8th July 1942

Sanctioned The bye-laws as approved are appended to this order

Secretary to Government,
Law Department

To

The Deputy Commissioner, Mandya District with a copy of byelaws
Director of Public Health in Mysore -do-